

AND NOW, THIS 26th DAY OF
April 12, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS DENIED..

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Gary L. Lancaster
GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

MATTHEW R. PORTERFIELD

Plaintiff,

Civil Action No. 2:10-cv-1307

vs.

Hon. Gary L. Lancaster, Chief Judge

CSX TRANSPORTATION, INC.

ELECTRONICALLY FILED

Defendant.

PLAINTIFF'S MOTION FOR A NEW TRIAL

At approximately 3:30 AM on October 16, 2007, Plaintiff Matthew Porterfield, a 39-year-old freight railroad conductor, fell and suffered a fractured right ankle and ruptured ligaments while working for Defendant CSX Transportation, Inc. (CSX). He sued CSX to recover for his on-the-job injury pursuant to the Federal Employers' Liability Act (FELA), 49 USC §51, et seq., claiming that CSX was negligent in failing to provide him with a reasonably safe place to work by failing to maintain the ballast where he fell. CSX denied that it was negligent.

There were several uncontested facts in this case. Matthew Porterfield was an employee of CSX at the time of his injury. *See Final Jury Instructions*, attached hereto as EXHIBIT A at 9¹. Matthew Porterfield was performing his duties in the course of his employment when he was injured. *Id.* CSX was at such time a common carrier by railroad, engaged in interstate commerce. *Id.* Matthew Porterfield broke his ankle when he fell at work on October 16, 2007. *See CSX Pretrial Statement*, Document No. 29, attached hereto as EXHIBIT B at 2 ("Plaintiff suffered a

¹The Final Jury Instructions attached were provided by the Court to counsel during the charge conference and were slightly modified by the Court based on issues raised at the conference. Counsel was never provided with a copy of the modified charge read to the jury.